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EXAMINER

NGUYEN, THAN VINH

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. This is a response to the response, filed 12/6/07.
2. Claims 1-16,18-21 remain pending.

Response to Amendment/Argument

3. Applicant has amended claims 1,8,21 to include new limitations. The amended claims are addressed below.
4. Applicant's arguments are not persuasive to overcome the previous office rejection. Applicant argues that Matsumoto does not teach building the table of contents before recording any data on the optical recording medium. This argument is unpersuasive.
5. Matsumoto discloses a common method of reproducing a disk which requires generating all required information to be record in the disk (subcodes, table of contents, etc..) and then using that master disk to produce disks in a large scale (2/55-3/5). This method generates the TOC before the actual reproduction of disks copies.
6. Matsumoto also teaches a system for mastering disks, which requires building mastering auxiliary information necessary for mastering (TOC, subcodes, etc..; 8/1-6) **before** a disk can be mastered/written/recorded. In one disclosed recording method, Matsumoto teaches the final TOC information for the entire disc is all built/prepared beforehand (8/50-55). Upon recording to the disk, the mastering information (TOC, subcodes, etc..) are used to write to the disk (8/58-9/20). Thus, it is clear that Matsumoto teaches building the TOC (in mastering process) before actually writing/recording to the disk.

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7. Applicant cited section 5/40-45 in the arguments. This part only discusses the generating of the TOC during the building of mastering information. The actually writing of a disk, which uses the generated TOC, is discussed in 8/55-9/20, which writes/records to disks using the generated TOC.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1,2,8,9,21 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumoto (US 5,325,352).

As to claim 1,8:

10. Matsumoto teaches a method and associated apparatus for recording record signals sequentially transmitted from a host on an optical recording medium, the method comprising:

receiving record data from the host and storing the data in a buffer if an environment data is set (receiving input data to be stored on a disc; 5/32-35);

building table of contents information ((TOC and subcodes are generated and containing all of the necessary data to master the disc, controlling what is to be recorded in the lead-in, program, and lead-out areas 5/40-49; 6/27-40; 7/23-47) for the host data before recording any data on the optical recording medium using record data to be recorded in a lead-in region among

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the record data stored in the (TOC generated is used to perform actual writing/recording of the disk; 8/48-9/20);

signal-processing the record data in the buffer and sequentially recording in raw mode the data on the lead-in region, a program region, and a lead-out region of the optical recording medium (record data on disk; 3/40-4/6; 6/19-27; 7/23-8/20; 8/48-9/20).

As to claim 2,9:

11. Matsumoto teaches notifying the host that the recording has been completed (complete recording status; 5/44; 9/23-30).

As to claim 21:

12. Matsumoto teaches a data recording medium comprising:

processing a record command (5/66-67);

forming an appropriate power and setting a recording speed (controlling power and velocity; 5/9-32);

initializing an encoder (initiate data forming circuit 32; 5/ 33-40);

setting a buffer to a raw recording mode (set reproduction mode; 8/48-65);

building table of contents information before recording data on the optical recording medium (building TOC based on input program data; 5/40-49, 7/54-8/15; 8/48-55); and

recording the received data including the table of contents on the optical medium (record program and TOC data on disc; 3/40-4/6, 5/23-6/49; 8/55-9/20).

Claim Rejections - 35 USC § 103

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13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 3,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (US 5,325,352).

As to claim 3,10:

15. Matsumoto teaches the information on the optical recording medium is built using subq value and subcodes (2/18-40,55-67; 5/50-65) but does not specifically teach using a 16 byte-subq value and a 96 byte-subcode. It would be clear to one of ordinary skills that the size of the subq and subcode varies upon different application requirements. Thus, the Examiner takes Official Notice that it would have been obvious to one ordinary skills in the art to use a 16 byte subq and a 96 byte subcode, or other sized subcodes, as necessary to fulfill the application requirement.

Allowable Subject Matter

16. Claims 4-7,11-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. As to claim 4,11, the prior art does not further teach the building comprises: identifying the number of blocks if 16 byte-subq value exist; interpret a subq value for each block; and

building the information on the optical recording medium using an index value in the subq value of the block (generating subq and subcodes; 2/18-40; 7/54-8/20).

18. Claims 5,6,13,14 are also allowable for incorporating the limitations of claim 4/11.

19. As to claim 7,12, the prior art does not further teach the building comprises: identifying the number of blocks if the 96 byte subcode value exists; deducing a subq value for each block; interpreting a subcode value of each block; and building the information on the optical recording medium using an index value in the interpreted subcode value of each block.

20. Claims 15,16 are also allowable for incorporating the limitations of claim 12.

21. Claims 18-20 are allowed for including allowable subject matter indicated in the previous office action (limitations of claim 17-19).

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Than Nguyen whose telephone number is 571-272-4198. The examiner can normally be reached on 8am-3pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Than Nguyen/
Primary Examiner, Art Unit 2187

Than Nguyen
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